

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Stacy Paver	Team: Team # 4	CCRB Case #: 201106148	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Saturday, 05/07/2011 7:08 PM	Location of Incident: Walton Avenue and East 177th Street and 1770 Davidson Avenue	Precinct: 46	18 Mo. SOL 11/7/2012	EO SOL 11/7/2012	
Date/Time CV Reported Sat, 05/07/2011 7:33 PM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 05/12/2011 11:08 AM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Andrew Greges	28881	949061	PBBX
2. POM Anthony Donato	07509	948904	PBBX

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. SGT Sasha Rosen	05061	929087	PBBX
2. POM Eugene Donnelly	11586	948906	PBBX

Officer(s)	Allegation	Investigator Recommendation
A.POM Anthony Donato	Discourtesy: At Walton Avenue and East 177th Street in the Bronx, PO Anthony Donato spoke obscenely to § 87(2)(b)	
B.POM Anthony Donato	Force: At 1770 Davidson Avenue in the Bronx, PO Anthony Donato used physical force against § 87(2)(b)	
C.POM Anthony Donato	Discourtesy: At 1770 Davidson Avenue, PO Anthony Donato spoke obscenely to § 87(2)(b)	
D.POM Andrew Greges	Force: At 1770 Davidson Avenue, PO Andrew Greges struck § 87(2)(b) with an asp.	
E.POM Andrew Greges	Force: At 1770 Davidson Avenue in the Bronx, PO Andrew Greges used physical force against § 87(2)(b)	

Case Summary

On May 7, 2011, an anonymous female called IAB and filed a complaint against NYPD officers on behalf of § 87(2)(b) (encl. 7-8). The anonymous female did not know § 87(2)(b). The CCRB received IAB log #11-20961 on May 12, 2011. § 87(2)(b) reported that on May 7, 2011, at approximately 7:08 p.m., he ran from officers after he was stopped at Walton Avenue and East 177th Street in the Bronx. § 87(2)(b) was apprehended at 1770 Davidson Avenue in the Bronx. § 87(2)(b) was arrested for obstruction of governmental administration, resisting arrest, and disorderly conduct. The following allegations resulted from the officers' actions:

- **Allegation A-Discourtesy:** At Walton Avenue and East 177th Street in the Bronx, PO Anthony Donato spoke obscenely to § 87(2)(b)
- **Allegation C- Discourtesy:** At 1770 Davidson Avenue in the Bronx, PO Anthony Donato spoke obscenely to § 87(2)(b)

§ 87(2)(g)

- **Allegation B-Force:** At 1770 Davidson Avenue in the Bronx, PO Anthony Donato officer used physical force against § 87(2)(b)
- **Allegation D- Force:** At 1770 Davidson Avenue in the Bronx, PO Andrew Greges struck § 87(2)(b) with an asp.
- **Allegation E- Force:** At 1770 Davidson Avenue in the Bronx, PO Andrew Greges used physical force against § 87(2)(b)

§ 87(2)(g)

This case was reassigned to Investigator Stacy Paver on October 18, 2011, following the resignation of Investigator Anna Vaysman.

Results of Investigation

Civilian Statement(s)

Anonymous Female

IAB Telephone Statement

An unidentified female called IAB and stated that she witnessed five or six officers "beat" up an unidentified black male with handcuffs on 1775 Davidson Avenue. She reported that the male was kicked and punched and then after he was placed in handcuffs, the officers slammed his head against the hood of a car. The officers were from the 46th Precinct. She refused to provide her name or contact information. An officer told the unidentified male's mother to "get the fuck away." (encl. 43)

The anonymous female refused to provide her contact information or name to IAB. There was no SPRINT to obtain her telephone number and the CCRB was therefore unable to contact this individual.

Victim: § 87(2)(b)

§ 87(2)(b) is a § 87(2)(b)-old black male who is 6'0" tall, weighs 180 pounds, with brown hair and brown eyes.

Arrest Photograph

§ 87(2)(b)'s arrest photograph shows a small cut on the outer corner of his right eyebrow (encl. 13).

CCRB Testimony

On June 15, 2011, § 87(2)(b) was interviewed at the § 87(2)(b) on Riker's Island (encl. 11-14).

On May 7, 2011, at approximately 7:08 p.m., § 87(2)(b) his friend "§ 87(2)(b) and his "cousin," § 87(2)(b) (identified through the investigation) drove in a black Mercedes sedan, in the vicinity of 1770 Davidson Avenue in the Bronx. § 87(2)(b) did not know § 87(2)(b)'s or § 87(2)(b)'s last names and he did not have any contact information for them. § 87(2)(b) drove and § 87(2)(b) was seated in the front passenger seat. § 87(2)(b) was on his way to his son's birthday party and needed to pick up more friends on the way to the party. At the red light, § 87(2)(b) exited the vehicle to go to his friend's house and planned to bring his friend back to the vehicle. As soon as § 87(2)(b) exited the vehicle, he noticed a marked police van drive very quickly up the block toward § 87(2)(b)'s vehicle. Four uniformed male officers exited the van and approached § 87(2)(b)'s vehicle. § 87(2)(b) already exited the vehicle before the officers approached. PO Anthony Donato, who was identified through the investigation and who was assigned to the 46th Precinct Patrol Borough Bronx, told § 87(2)(b) to, "Stand in the back of the fucking car." § 87(2)(b) asked why he was being stopped and the officer stated, "I'm asking the fucking questions." § 87(2)(b) described PO Donato as white male with a mustache, who was about 5'10" tall and had a slightly heavy build. § 87(2)(b) stated that the other officers were all white males in uniform, but he was unable to further describe them. PO Donato searched the pockets of § 87(2)(b)'s jeans. PO Donato asked § 87(2)(b) for his identification. § 87(2)(b) looked for it and removed items from his pockets, but he could not find it. PO Donato told § 87(2)(b) "You know you are going in with me." The officers told the other occupants of § 87(2)(b)'s vehicle to exit. § 87(2)(b) started running away from the location because he did not want to be placed under arrest because he would miss his son's birthday party.

§ 87(2)(b) ran for approximately two blocks. § 87(2)(b) was on Davidson Avenue and he ran to Walton Avenue and then to Jerome Avenue. § 87(2)(b) fell to the ground because he was having trouble breathing. A short, white or Hispanic male officer in uniform caught up to him, jumped on his back and started hitting him. § 87(2)(b) told PO2 to stop hitting him because he was already down. The officer told him to, "Shut the fuck up." PO Andrew Greges, who was identified through the investigation and was assigned to the 46th Precinct Patrol Borough Bronx, pulled out his baton and hit § 87(2)(b) with the baton two or three times in his lower back. § 87(2)(b) described PO Greges as a white or Hispanic male officer in uniform. He could not description this officer any further. § 87(2)(b) grabbed the baton and held on to it, so that PO Greges would not be able to hit him anymore. PO Greges punched § 87(2)(b) twice in the left side of his head. § 87(2)(b) did not sustain any injuries as a result. PO Greges took § 87(2)(b) by the back of the head and slammed his face against the ground two times. At this point, § 87(2)(b) let go of the baton. § 87(2)(b) sustained a scrape above his right eye as a result of being slammed against the ground. A few seconds later, more officers arrived on scene, but did not know how many. § 87(2)(b) was unable to describe any of the additional officers who arrived on scene. § 87(2)(b) was placed in handcuffs, but did not know who handcuffed him. § 87(2)(b) did not resist being handcuffed. § 87(2)(b) was placed into a patrol car and was transported to the 46th Precinct.

§ 87(2)(b) refused medical treatment at the stationhouse because he was angry and did not want to see anyone. § 87(2)(b) had scrapes on both of his elbows and knees. § 87(2)(b)'s mother, § 87(2)(b) arrived at the 46th Precinct and an officer, PO4, told her, "Get the fuck out." The same officer then stated, "Throw the motherfucker in a cell." The officer was a white or Hispanic male in uniform, who was short and slim. The officer stood near the bench where § 87(2)(b) was seated, near the desk. § 87(2)(b) never sought medical attention.

Witness: § 87(2)(b)

CCRB Testimony

On January 4, 2012, § 87(2)(b) provided a telephone statement to the CCRB (encl. 15). § 87(2)(b) reported that he drove his Mercedes S550. § 87(2)(b) was going to go to his son's birthday party. § 87(2)(b) is a family friend of § 87(2)(b). § 87(2)(b) did not know the names of the other two individuals in his car because they were § 87(2)(b)'s friends. As he drove up the hill, he approached a red light at the traffic light. § 87(2)(b) observed § 87(2)(b) enter his friend's house to get a belt to wear. When § 87(2)(b) exited his friend's house, the officers "jumped" out at § 87(2)(b). There were six officers in uniform in a marked police van. § 87(2)(b) did not know any of the officers' names, but stated that one of the names was on the summons he later received for not having a plate on his vehicle. An officer approached § 87(2)(b) on the driver's side of his vehicle. The officers asked where he was going and whose vehicle it was and § 87(2)(b) stated that it was his. The vehicle was registered in § 87(2)(b)'s name. As of § 87(2)(b)'s telephone statement, he no longer owned this vehicle.

§ 87(2)(b) interacted with Sgt. Sasha Rosen, who was identified through the investigation and who was assigned to the 46th Precinct Patrol Borough Bronx. § 87(2)(b) described Sgt. Rosen as the "lieutenant," who was a white male in a blue uniform shirt with "pins" 5'8" tall, and bald. § 87(2)(b) stood in the back of the vehicle and spoke with PO Anthony Donato, who was identified through the investigation. § 87(2)(b) described PO Donato as a white male, in uniform, bald, heavy, 240 pounds, and 6'2" tall. § 87(2)(b) heard PO Donato and § 87(2)(b) speak, but did not hear anything that either one said. He did not hear any officer issue § 87(2)(b) instructions and never observed any officer have physical contact with § 87(2)(b). He was asked if he observed any officer touch the outside of § 87(2)(b)'s clothing. § 87(2)(b) did not observe that and observed officers chase § 87(2)(b) through his rear view mirror, but he did not know what happened before that. After the officers chased § 87(2)(b) no longer was able to see anything that occurred between § 87(2)(b) and officers. He did not observe any officer stop § 87(2)(b) or § 87(2)(b) stop after he ran. Everyone was placed under arrest. At the stationhouse, § 87(2)(b) was released with a summons. Officers searched § 87(2)(b)'s car and then transported it to the stationhouse.

Witness: § 87(2)(b)

CCRB Testimony

On June 20, 2011, § 87(2)(b) provided a telephone statement to the CCRB. She stated that nothing happened with any police officers that she wanted to file a complaint about.

Attempts to Contact Civilians

§ 87(2)(b)

A LexisNexis search yielded an address for § 87(2)(b) and no telephone number was listed. A search of the Department of Motor Vehicle Website yielded the same address as the one in the command log. On November 9, 2011, and December 22, 2011, § 87(2)(b) was sent contact letters to both addresses. On January 5, 2012, the letter sent to the address provided by LexisNexis was returned to the CCRB by the United States Postal Service with a label affixed that states, "Return to sender. Attempted not known. Unable to forward." To date, there has been no response from § 87(2)(b)

§ 87(2)(b)

A LexisNexis search § 87(2)(b) yielded the same address as the command log and no telephone number was listed. On November 9, 2011, § 87(2)(b) was sent a contact letter. On November 28, 2011, the letter sent to § 87(2)(b) was returned by the United States Postal Service with a label affixed that states, "Return to sender. Insufficient address. Unable to forward." To date, there has been no response from § 87(2)(b)

NYPD Statement(s):

Subject Officer: PO ANTHONY DONATO

PO Donato is a white male who is 5'10" tall, weighs 260 pounds, with black hair and brown eyes.

- *On May 7, 2011, PO Donato worked from 4:00 p.m. through 12:35 a.m. He was assigned to the Impact Response Team, worked with PO Greges and Sgt. Rosen, was assigned to marked van 5967, and wore a uniform (encl. 50-61).*

Memo Book

PO Donato's memo book is summarized as follows: At 7:06 p.m., a car stop was conducted. A male walked out of the vehicle and was brought to the rear. He was asked for identification and took off running. He ran to 1786 Davidson Avenue. The male resisted arrest by grabbing the officer's baton and refused to place his hands behind his back (encl. 16-18).

CCRB Testimony

On February 5, 2012, PO Donato was interviewed at the CCRB (encl. 19-21).

On May 7, 2011, PO Donato was seated in the rear of the police van. They conducted a vehicle stop because one of the license plates on the vehicle was missing. PO Donato explained that in NYS, license plates are required to be displayed on both the front and rear of the vehicle. PO Donato did not recall if any officer ran the license plate before the vehicle was stopped. The vehicle was not already stopped when they observed the missing plate and they turned the police lights on to stop the vehicle. The driver of the vehicle complied and stopped his vehicle. The officers approached the vehicle. The license plate was actually inside of the vehicle. PO Donato did not recall anything Sgt. Rosen or PO Greges did during the vehicle stop. PO Donato approached the passenger side. The windows were rolled down. PO Donato did not notice anything unusual going on inside the vehicle. The driver and front passenger were cooperative. While he stood on the passenger side, PO Donato recognized § 87(2)(b) who was seated in the rear passenger seat, as an individual who had an open warrant, which at the time he believed was for felony sale of drugs. At the time of the incident, PO Donato recognized § 87(2)(b)'s face, knew his name, and knew that he was wanted. PO Donato explained that he reviewed the individuals with open

warrants within the precinct prior to this incident and he often goes through the book of wanted individuals in the stationhouse. He did not recognize anyone else inside the vehicle. § 87(2)(b) also had an open complaint for assault.

PO Donato asked § 87(2)(b) to step out of the vehicle so that he could confirm he was who he believed him to be. PO Donato stated that a lot of people look alike and he wanted to solidify his identification. PO Donato intended to arrest § 87(2)(b) at that time. PO Donato did not observe § 87(2)(b) exit the vehicle without being instructed to do so and he never observed § 87(2)(b) outside of the vehicle before officers approached the vehicle. PO Donato asked § 87(2)(b) for his identification and brought him to the rear of the vehicle. PO Donato never told § 87(2)(b) to “stand in the back of the fucking car.” § 87(2)(b) did not ask PO Donato any questions. PO Donato did not tell § 87(2)(b) that he was the one “asking the fucking questions.” PO Donato never frisked or searched § 87(2)(b) at the vehicle. § 87(2)(b) took a bunch of things out of his pocket. PO Donato observed § 87(2)(b)'s identification in his hand, but could not see the name. Before providing his identification to PO Donato, § 87(2)(b) pushed him and ran away. No other officer interacted with § 87(2)(b) at the location of the vehicle stop.

PO Donato knew § 87(2)(b) had a felony warrant and pursued him in a foot chase. § 87(2)(b)'s pants fell to his knees as he ran, which caused him to fall face-first to the ground. PO Greges also ran after § 87(2)(b). PO Donato and PO Greges caught up with § 87(2)(b) in front of 1786 Davidson Avenue. He did not jump on § 87(2)(b)'s back to stop him and he did not observe PO Greges jump on § 87(2)(b)'s back to stop him from running. PO Donato notified Central that the officers had § 87(2)(b) stopped at that location. § 87(2)(b) flipped onto his back. PO Donato went to grab him and § 87(2)(b) punched PO Donato in the face. PO Donato tried to grab § 87(2)(b) and § 87(2)(b) continued to punch him in the vest area. PO Donato could not get control of § 87(2)(b)'s hands. PO Donato never took out his asp during this incident. He observed PO Greges with his asp out, but did not know what he was doing because he was only paying attention to § 87(2)(b). He did not observe PO Greges hit § 87(2)(b) with the asp. At some point he observed the asp in § 87(2)(b)'s hands and observed § 87(2)(b) and PO Greges playing “tug-of-war” with the asp, but he did not know what was going on. He did not hear § 87(2)(b) complain that he was hit with an asp. PO Donato was punched more than five times. PO Donato punched § 87(2)(b) one or two times in the chest. He never punched § 87(2)(b) on the left side of his head and he did not observe PO Greges punch § 87(2)(b) on his head. PO Donato did not know if § 87(2)(b) punched PO Greges, but stated that § 87(2)(b) was swinging his arms. PO Donato did not know if any of the officers who arrived as backup were present while he was being punched. PO Donato did not slam § 87(2)(b)'s head to the ground and did not observe PO Greges do so. § 87(2)(b) kicked, punched, and moved around on the ground and was not cooperative at any time.

After officers arrived as backup, PO Donato and additional officers were able to get § 87(2)(b) in handcuffs. He did not recall what any of the backup officers did. PO Donato did not recall any injuries on § 87(2)(b). PO Donato did not know if § 87(2)(b) requested medical treatment. PO Donato was in pain as a result of this incident, but did not have any documented injuries. § 87(2)(b) spit while he was in the back of the van. Sgt. Rosen remained with the stopped vehicle and never came to the location where § 87(2)(b) ran.

Subject Officer: PO ANDREW GREGES

- PO Greges is a § 87(2)(b)-old white male who is 6'1" tall, weighs 200 pounds, brown and brown eyes.
- On May 7, 2011, PO Greges worked from 4:00 p.m. through 12:35 a.m. He was assigned to the Impact Response Team, worked with PO Donato, Sgt. Rosen, and PO Donnelly, was assigned to marked van 5967, and wore a uniform (encl. 50-61).

Memo Book

Det. Greges's memo book is summarized as follows: At 6:55 p.m., a car stop was conducted at the corner of East 177th Street and Jerome Avenue for Jeffery § 87(2)(b). At 7:08 p.m., four individuals were placed under arrest in front of 1770 Davidson Avenue. § 87(2)(b) (DOB § 87(2)(b)) was arrested for obstruction of governmental administration, disorderly conduct, resisting arrest, and assault. § 87(2)(b) was issued E-Summons #§ 87(2)(b) for not having a front license plate. § 87(2)(b) (§ 87(2)(b)) was issued C-Summons #§ 87(2)(b) for § 87(2)(b). § 87(2)(b) (§ 87(2)(b)) was returned on a warrant. There was a baby in the vehicle. PO Greges arrived at the 46th Precinct stationhouse at 7:13 p.m. At 7:30 p.m., the prisoner was lodged and refused medical attention (encl. 22-25).

Criminal Court Complaint

PO Greges reported that § 87(2)(b) was observed in the passenger seat of a 2007 Black Mercedes-Benz, NY License Plate number § 87(2)(b) which was missing a front license plate. As soon as the vehicle stopped, § 87(2)(b) began to walk away from PO Greges and PO Donato. PO Donato asked § 87(2)(b) to stop and provide identification. § 87(2)(b) ignored the request and ran away. When PO Greges attempted to arrest § 87(2)(b) for the above-mentioned conduct, § 87(2)(b) kicked his legs, flailed his arms, and struck PO Greges several times with a closed fist in the chest to prevent him from being handcuffed. PO Greges stated that during the struggle, § 87(2)(b) grabbed his asp and tried to pull it out of his hands. § 87(2)(b) was charged with obstruction of governmental administration, resisting arrest, and disorderly conduct (encl. 26-28).

CCRB Testimony

On February 23, 2012, PO Andrew Greges was interviewed at the CCRB (encl. 29-31).

PO Greges statement regarding the initial stop of § 87(2)(b)'s vehicle corroborated PO Donato's statement. PO Greges approached the driver's side and asked § 87(2)(b) the driver, for his license and registration, which he provided. Sgt. Rosen stood next to PO Greges. PO Greges did not know where PO Donnelly stood during the vehicle stop, but believed he was also on the driver's side. PO Greges observed § 87(2)(b) a front passenger, a baby in the rear of the vehicle, and § 87(2)(b) in the rear passenger seat. PO Greges could not see § 87(2)(b)'s face from where he stood at the vehicle. There was nothing suspicious about the vehicle and PO Greges did not believe the car was stolen. § 87(2)(b) showed PO Greges that he had the plate, but it was inside of the vehicle. PO Donato approached the passenger side. He later found out that PO Donato recognized § 87(2)(b) as an individual who had an open warrant from 2007 for § 87(2)(b). PO Donato asked § 87(2)(b) for identification. § 87(2)(b) refused to provide it and told PO Donato that he did not have to give him his identification. The windows were rolled down and PO Greges was able to hear this conversation. PO Donato told PO Greges that he was going to have § 87(2)(b) step out of the vehicle, but at that time, PO Greges did not know why. PO Donato asked § 87(2)(b) to step out of the vehicle. PO Greges did not observe § 87(2)(b) outside of the vehicle prior to officers being present at the vehicle.

§ 87(2)(b) exited the vehicle and almost immediately starting running toward Jerome Avenue. PO Donato did not tell § 87(2)(b) to "stand in back of the fucking car." PO Greges did not hear PO Donato tell § 87(2)(b) that he was the one "asking the fucking questions." He did not believe any officer searched § 87(2)(b) at the vehicle and stated that he did not believe that any officer had the chance to do so. PO Greges never spoke with § 87(2)(b) at the vehicle. No other officer had a verbal or physical interaction with § 87(2)(b) at the vehicle. PO Greges, PO Donato, and PO Donnelly pursued § 87(2)(b) on foot. PO

Donato or PO Donnelly placed the foot pursuit over the radio. Before he crossed Jerome Avenue, § 87(2)(b) dropped something on the ground. PO Greges did not see what he dropped. PO Greges and PO Donato continued to chase § 87(2)(b). He went down to 177th Street and made a left on Davidson Avenue. § 87(2)(b)'s pants fell down around his ankles and he tripped and fell to the ground. § 87(2)(b) fell faced down. No officer jumped on § 87(2)(b)'s back. No officer told § 87(2)(b) to “shut the fuck up” while he was on the ground.

PO Donato and PO Greges caught up with § 87(2)(b) at the same time. PO Donnelly was the last to approach § 87(2)(b) and arrived within seconds of PO Donato and PO Greges. When the officers approached § 87(2)(b) while he was on the ground, they attempted to place him in handcuffs. He flipped his body over and punched PO Donato in the face and punched PO Greges in the chest two times. After § 87(2)(b) flipped over, PO Greges observed a cut on § 87(2)(b)'s face that he believed § 87(2)(b) sustained from falling to the ground. § 87(2)(b) flailed around “uncontrollably” and the officers could not gain control of his arms. PO Greges took out his asp and hit § 87(2)(b) two times in the thigh. § 87(2)(b) grabbed the other end of PO Greges's asp and pulled on it. PO Greges and § 87(2)(b) played “tug-of-war” with the asp. No officer punched § 87(2)(b) in the head. No officer slammed § 87(2)(b)'s head into the ground.

Backup units arrived as § 87(2)(b) tugged on the asp. Once other units arrived, it took approximately five officers to restrain § 87(2)(b) and place him in handcuffs. PO Greges did not recall who any of the other officers were who assisted to handcuff § 87(2)(b). All of the backup officers wore uniforms. None of those officers hit § 87(2)(b).

While being transported to the stationhouse, § 87(2)(b) told the officers that he ran because he had an open warrant. The plates were run at the stationhouse and the vehicle did not come up as stolen. PO Greges did not believe any officer sustained any injuries as a result of this incident. PO Greges asked § 87(2)(b) three times if he wanted medical attention. He asked him when he placed him in the van to transport him to the stationhouse, at the stationhouse, and after he was placed in the cell. § 87(2)(b) refused each time. PO Greges ran § 87(2)(b) for warrants at the stationhouse and the warrant came up. § 87(2)(b) also had an open complaint from 2010 that the detective squad was working on. § 87(2)(b) The detective squad arrested him for the open complaint.

Sgt. Rosen remained with the vehicle and never responded to the location where § 87(2)(b) ran. Sgt. Rosen notified PO Greges that he observed an unidentified individual pick up what § 87(2)(b) dropped. That person then entered a private house. That person later exited the house and refused to tell the officers what it was that he picked up. That male was placed under arrest for § 87(2)(b). They never found out what § 87(2)(b) dropped.

Witness Officer: PO EUGENE DONNELLY

- *PO Donnelly is a § 87(2)(b)-old white male who is 5'8" tall, weighs 160 pounds, blonde and blue eyes.*
- *On May 7, 2011, PO Donnelly worked from 4:00 p.m. through 12:55 a.m. He was assigned to the Impact Response Team, worked with PO Donato, Sgt. Rosen, and PO Greges, was assigned to marked RMP 5711, and wore a uniform (encl. 50-61).*

Memo Book

PO Donnelly's memo book is summarized as follows: At 7:06 p.m., a male exited the vehicle during a car stop at Walton Avenue and East 177th Street. The male changed directions. PO Donato asked him

for identification and the defendant fled the location. He was apprehended at 1786 Davidson Avenue. The male resisted arrest and PO Greges was assigned to the arrest (encl. 32-34).

CCRB Testimony

On February 5, 2012, PO Donnelly was interviewed at the CCRB (encl. 35-37).

§ 87(2)(g)

§ 87(2)(b) All of the occupants of the vehicle remained inside the vehicle when the vehicle was pulled over. PO Donnelly approached the driver's side with PO Greges. PO Donato and PO Greges asked the occupants to exit the vehicle. PO Donnelly did not know who § 87(2)(b) was prior to this vehicle stop. § 87(2)(b) was seated on either the front or rear passenger side. PO Donnelly was not sure if PO Donato ordered § 87(2)(b) to exit the vehicle or if § 87(2)(b) exited on his own because he could not hear the dialogue between them, but when § 87(2)(b) exited the vehicle, PO Donato was with him. PO Donato only spoke with § 87(2)(b). The driver was cooperative and gave his license to PO Greges. PO Donnelly did not have verbal or physical contact with anyone inside the vehicle. The occupants of the vehicle exited the vehicle and stood at the rear of the vehicle. PO Donnelly went to the rear of the vehicle with the occupants. PO Donnelly observed PO Donato frisk § 87(2)(b)'s waistband, but did not observe him search § 87(2)(b). He did not hear PO Donato tell § 87(2)(b) to "stand in the back of the fucking car." He did not hear PO Donato state, "I'm asking the fucking questions."

§ 87(2)(b) took off running westbound on 177th Street. PO Donnelly did not know why § 87(2)(b) ran away from the location. PO Donnelly turned his body around and observed PO Donato chase § 87(2)(b). PO Donnelly chased after PO Donato. They stated, "Police. Stop." Greges also pursued § 87(2)(b) by foot. They followed § 87(2)(b) across Jerome Avenue and up 177th Street. § 87(2)(b) made a left on Davidson Avenue. He slipped and fell because his pants fell down around his ankles. PO Donato and PO Greges were the first officers to catch up to him after he fell. No officer jumped on § 87(2)(b)'s back in order to stop him. § 87(2)(b) fell face first to the ground. PO Donnelly did not recall seeing any signs of injury to § 87(2)(b)'s body.

No officer told § 87(2)(b) to "shut the fuck up" after he ran. Backup was called, but PO Donnelly did not recall who called for backup. As PO Donnelly attempted to restrain § 87(2)(b)'s feet while § 87(2)(b) was on the ground, § 87(2)(b) kicked PO Donnelly in the face. PO Donnelly was not able to see what § 87(2)(b) was doing with his hands because he concentrated on holding his feet. § 87(2)(b) was still trying to get up and run away. § 87(2)(b) could not get away because his pants were around his ankles. The officers who arrived as backup stood around PO Donnelly, PO Greges, and PO Donato. PO Donnelly believed that one of those officers assisted in placing § 87(2)(b) in handcuffs because they were unable to do so, but he did not know who assisted them. PO Donnelly did not know if § 87(2)(b) punched any officer. PO Donnelly did not punch § 87(2)(b) in the head and did not observe any other officer do so. PO Donnelly did not slam § 87(2)(b)'s head into the ground and did not observe any other officer do so. PO Donnelly did not take his asp out during this incident and did not recall any officer with their asp out. He did not recall § 87(2)(b) attempting to grab any officer's asp. He did not observe any injuries on § 87(2)(b) at the conclusion of this incident. PO Donnelly was told that § 87(2)(b) alleged that he had a cut above his eye. PO Donnelly did not recall that injury.

Witness Officer: SGT. SASHA ROSEN

- Sgt. Rosen is a § 87(2)(b)-old white male who is 5'7" tall, weighs 200 pounds, bald and green eyes.

- *On May 7, 2011, Sgt. Rosen worked from 3:50 p.m. through 12:47 a.m. He was assigned to the Impact Response Team, worked with PO Donato, was assigned to marked van 8610, and wore a uniform (encl. 50-61).*

Memo Book

Sgt. Rosen's memo book is summarized as follows: PO Greges had four arrests at 7:06 p.m. (encl. 38-40).

CCRB Testimony

On February 29, 2012, Sgt. Rosen was interviewed at the CCRB (encl. 41-42).

§ 87(2)(g)

§ 87(2)(b) Sgt. Rosen did not observe any of the occupants exit the vehicle before officers approached the vehicle.

The driver stated that the front license plate fell off and he was going to have it reattached at a garage. As Sgt. Rosen and PO Greges spoke with the driver of the vehicle, § 87(2)(b) who was seated in the rear passenger seat, opened the door and took off running. Sgt. Rosen did not recognize § 87(2)(b) and did not know if PO Donato ordered him out of the vehicle. Sgt. Rosen did not hear PO Donato order § 87(2)(b) out of the vehicle. Sgt. Rosen did not recall any conversation between PO Donato and § 87(2)(b). He did not recall PO Donato tell § 87(2)(b) to go to the "back of the fucking car." He did not recall hearing PO Donato tell § 87(2)(b) that he was the one "asking the fucking questions." Sgt. Rosen's attention was on the driver. It seemed like § 87(2)(b) just exited the vehicle and ran away. Sgt. Rosen did not observe any officer search § 87(2)(b) at the vehicle.

PO Greges and two other officers chased § 87(2)(b) and Sgt. Rosen remained with the stopped vehicle. The officers called an 85. Sgt. Rosen never responded to the location where § 87(2)(b) was stopped after he ran. Sgt. Rosen later found out that § 87(2)(b) had an open felony warrant. Sgt. Rosen observed § 87(2)(b) at the stationhouse and did not observe any injuries on him.

NYPD Documents

SPRINT Report

Requests for the SPRINT Report were made on June 23, 2011, August 17, 2011, and November 7, 2011. Each request returned with negative results.

Command Log

The command log notes that § 87(2)(b) had lacerations to his face and he was charged with obstruction of governmental administration. The log did not note any warrants.

Civilian(s) Criminal History

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]
[REDACTED]
[REDACTED]
[REDACTED]

Status of Civil Proceedings

- As of March 27, 2012, § 87(2)(b) has not filed a civil lawsuit (encl. 81).

Civilian(s) CCRB History

- § 87(2)(b) was listed as a victim in CCRB case § 87(2)(b) ().

Officer(s) CCRB History

- PO Anthony Donato is a one-year veteran of the NYPD and is assigned to Patrol Borough Bronx. He has no substantiated allegations on his record (encl. 3-4).
- PO Andrew Greges is a one-year veteran of the NYPD and is assigned to Patrol Borough Bronx. He has no substantiated allegations on his record (encl. 5).

Conclusion

Identification of Subject Officer(s)

PO Greges, PO Donato, PO Donnelly, and Sgt. Rosen were the officers involved in the vehicle stop. All officers corroborate that PO Donato was the only officer who interacted with § 87(2)(b) at the location where the vehicle was stopped. § 87(2)(g)

§ 87(2)(b) stated that a white or Hispanic male officer immediately approached him, hit him, and told him to “shut the fuck up.” § 87(2)(b) could not provide a further description of this officer. PO Donato admitted that he chased § 87(2)(b) and immediately tried to apprehend him while § 87(2)(b) was on the ground at which time § 87(2)(b) punched him in the face and chest. PO Donato admitted that he punched § 87(2)(b) in the chest area. § 87(2)(g)

§ 87(2)(b) alleged that an officer hit him with an asp two or three times on his lower back, punched him two times on the left side of his head, and took him by the back of the head and slammed his face against the ground two times. § 87(2)(g)

Investigative Findings and Recommendations

Allegations Not Pleaded

The allegation that an officer used discourteous language toward § 87(2)(b) is not being pleaded because § 87(2)(b) did not allege that it occurred and she stated that she did not have any complaint that she wanted to file against an NYPD officer. The allegation of a stop is not pleaded because the stop of § 87(2)(b) was pursuant to the car stop for a vehicle infraction and § 87(2)(b) was going to be arrested before he ran from the vehicle because there was a warrant out for his arrest. § 87(2)(g)

Allegation A: Discourtesy: At Walton Avenue and East 177th Street in the Bronx, PO Anthony Donato spoke obscenely to § 87(2)(b)

§ 87(2)(b) alleged that PO Donato told him to stand in the back of the “fucking car” and stated that he was “asking the fucking questions.” § 87(2)(b) did not hear any officer use discourteous language toward § 87(2)(b) and § 87(2)(b) and § 87(2)(b) did not provide statements to the CCRB. There were no other civilian witnesses to these allegations. No officer stated that PO Donato used discourteous

language. § 87(2)(g)

Allegation B: Force: At 1770 Davidson Avenue in the Bronx, PO Anthony Donato used physical force against § 87(2)(b)

Allegation D: Force: At 1770 Davidson Avenue in the Bronx, PO Andrew Greges struck § 87(2)(b) with an asp.

Allegation E: Force: At 1770 Davidson Avenue in the Bronx, PO Andrew Greges used physical force against § 87(2)(b)

§ 87(2)(b) alleged that PO Donato hit him as soon as he was on the ground and PO Greges struck him with an asp, punched him two times on the left side of his head, and “slammed” his face into the ground two times. § 87(2)(b) stated that he ran away from the officers because he did not want to be arrested. PO Greges, PO Donato, and PO Donnelly all stated that they chased § 87(2)(b) after he fled the location. All officers stated that § 87(2)(b) fell to the ground because his pants fell down. § 87(2)(b) stated that he stopped running because he had difficulty breathing. PO Greges stated that as they attempted to place § 87(2)(b) in handcuffs and he flipped his body over, punched PO Donato in the face, and punched PO Greges in the chest two times. PO Donnelly stated that he attempted to hold § 87(2)(b)s legs so that he would not flee the location and § 87(2)(b) kicked him in the face. All officers corroborate they were unable to place § 87(2)(b) in handcuffs due to his resistance. PO Donato stated that he punched § 87(2)(b) several times in his chest area because § 87(2)(b) punched him several times and refused to be handcuffed. PO Greges stated that because § 87(2)(b) refused to be placed in handcuffs, he took out his asp and hit § 87(2)(b) two times in the thigh. § 87(2)(b) admitted that he grabbed the other end of PO Greges’s asp after he hit him. Additional officers arrived as backup and had to assist the officers to place § 87(2)(b) in handcuffs, which further demonstrates § 87(2)(b)s resistance. According to the Patrol Guide section 203-11, “Only that amount of force necessary to overcome resistance will be used to effect an arrest (encl. 1-2).” § 87(2)(g)

Allegation C: Discourtesy: At 1770 Davidson Avenue in the Bronx, PO Anthony Donato spoke obscenely to § 87(2)(b)

§ 87(2)(b) alleged that PO Donato told him to “shut the fuck up.” No officer stated that any officer used discourteous language toward § 87(2)(b). There were no civilian witnesses to this allegation. § 87(2)(g)

Team: ____Four____

Investigator: _____ Stacy Paver _____ April 19, 2012
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date